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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:)	Docket No.:	4240-116
)		
Applicants:)	Conf. No.:	5278
)		
Application No.:)	Art Unit:	4133
)		
Date Filed:)	Examiner:	Susanna Marie Hoffer
)		
Title:)	Customer No.:	
)		
POLY-GAMMA-GLUTAMATE HAVING ULTRA HIGH MOLECULAR WEIGHT AND METHOD FOR USING THE SAME)		23448
)		

DECLARATION OF INVENTORS UNDER 37 C.F.R. § 1.132 CONCERNING SUNG ET AL. REFERENCES CITED IN OCTOBER 29, 2007 OFFICE ACTION IN U.S. PATENT APPLICATION NO. 10/520,557

We, Moon-Hee SUNG, Chung PARK, Seung-Pyo HONG, Kwang Seok KIM, Jae Jun SONG, Eu Gene RHA, Kwang KIM, Kenji SODA, Makoto ASHIUCHI, Ha Ryoung POO, and Seung Goo LEE, hereby declare as follows:

1. We are the original and joint inventors of the subject matter disclosed and claimed in the United States Patent Application No. 10/520,557 filed January 6, 2005 in our names for "POLY-GAMMA-GLUTAMATE HAVING ULTRA HIGH MOLECULAR WEIGHT AND METHOD FOR USING THE SAME," claiming priority under 35 USC 119 of Korean Patent Application No. 10-2002-0040083 filed on July 10, 2002 in the Korean Intellectual Property Office ("Application").
2. The subject matter of claims 1 to 3 of the Application relate, *inter alia*, to an ultra-high molecular weight poly-gamma-glutamate (PGA) having a mean molecular weight of at least 5,000 kDa, preferably 5,000 kDa to 15,000 kDa ("Invention").

3. We have been informed by patent counsel that in proceedings in the United States Patent and Trademark Office involving the Application, the pending claims thereof directed to the Invention have been rejected as being anticipated by the cited reference of Sung, et al. WO2003/0104064 and WO02/055671, such reference having been stated by the U.S. Patent and Trademark Office ("USPTO") as describing the same subject matter as the Application,

4. The cited Sung et al. reference, WO2003/0104064 and WO02/055671, identifies the following ten individuals as being co-authors with respect to the work reported therein:

- 1) Moon-Hee Sung
- 2) DaeHeoun Baek
- 3) SeungGoo Lee
- 4) Jae Jun Song
- 5) SeungPyo Hong
- 6) YoonHo Choi
- 7) SunYoung Shin
- 8) JaeSuk Han
- 9) Makoto Ashiuchi
- 10) Kenji Soda

5. Moon Hee Sung was the principal investigator for all of the work reported in the Sung et al. WO2003/0104064 and WO02/055671 reference.

6. The Sung et al. WO2003/0104064 and WO02/055671 reference and the Application contain the following inventors in common: Moon-Hee Sung, Seung-Pyo Hong, Jae Jun Song, Kenji Soda, and Makoto Ashiuchi.

7. The method for preparing PGA from *Bacillus subtilis* var. *chunkookjang* (KCTC 0697BP) having a molecular weight of more than 2,000 kDa, as described in Sung, et al. WO2003/0104064 and WO02/055671, originated with or was obtained from Moon-Hee Sung, Seung-Pyo Hong, Jae Jun Song, Kenji Soda, and Makoto Ashiuchi, each an original and joint inventor of the Application.

8. We therefore have executed and offer this declaration attesting to the foregoing facts establishing that the method for preparing PGA as described in #7 above, and as disclosed in Sung, et al. WO2003/0104064 and WO02/055671, was conceived by Moon-Hee Sung, Seung-Pyo Hong, Jae Jun Song, Kenji Soda, and Makoto Ashiuchi, each an original and joint inventor of the Application.

As the below-named declarants, we hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code and that such willful false statements may jeopardize the validity of United States Patent Application No. 10/520,557 or any patent issued thereon.

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